

Message Text

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ACTION EA-06

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IO-03 CIAE-00 NSC-05 NSCE-00 SP-02 ACDA-10 EB-03 /058 W

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P 280832Z AUG 75

FM AMEMBASSY SEOUL

TO DOD WASHDC PRIORITY

SECSTATE WASHDC PRIORITY 2449

AMEMBASSY MANILA PRIORITY

CINCPAC PRIORITY

JCS WASHDC PRIORITY

AMEMBASSY TOKYO PRIORITY

C O N F I D E N T I A L SECTION 1 OF 2 SEOUL 6704

LIMDIS

E.O. 11652: GDS

TAGS: RP MILI

SUBJECT: PHIL BASES: MELCHOIR'S CALL ON SECDEF

REF: (A) MANILA 11733 (DTG 240310Z AUG 75)

(B) SEOUL 6651 (DTG 270921Z AUG 75)

FOLLOWING IS AIDE MEMOIR HANDED SECDEF BY MELCHOR ON ARTICLE
IV OF MUTUAL DEFENSE TREATY.

BEGIN TEXT:

1. THIS REFERS TO THE APPLICABILITY OF THE R.P.-U.S. MUTUAL
DEFENSE PACT IN LIGHT OF THE UNFRIENDLY ACTS BY OTHER STATES
WHICH THREATEN OUR NATIONAL SECURITY, POLITICAL INDEPENDENCE,
NATIONAL SOVEREIGNTY AND TERRITORIAL INTEGRITY.

2. THE NEW REALITIES IN THE SOUTHEAST ASIA REGION-MULTIPOLAR
DETENTE FOLLOWED BY THE WITHDRAWAL OF AMERICAN MILITARY
FORCES IN INDOCHINA AND, LATELY, THE INVOLVEMENT OF
OTHER STATES IN THE MUSLIM SITUATION IN SOUTHERN
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PHILIPPINES - MAY PUT TO TASK THE COMMITMENT OF THE UNITED
STATES TO CERTAIN PROVISIONS OF THE MUTUAL DEFENSE PACT
AND OF THE TWO OTHER MILITARY AGREEMENTS BETWEEN THE
PHILIPPINES AND THE UNITED STATES.

3. ARTICLE IV OF THE R.P.-U.S. MUTUAL DEFENSE TREATY UNDERSCORES THE FACT THAT: "EACH PARTY RECOGNIZES THAT AN ARMED ATTACK IN THE PACIFIC AREA ON EITHER OF THE PARTIES WOULD BE DANGEROUS TO ITS OWN PEACE AND SAFETY" AND FURTHER DECLARES THE INTENTION OF EACH TO "ACT TO MEET THE COMMON DANGERS IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES." FURTHERMORE, ARTICLE V DEFINES "ARMED ATTACK" TO INCLUDE ANY ATTACK ON THE "METROPOLITAN TERRITORY OF EITHER OF THE PARTIES, OR ON THE ISLAND TERRITORIES UNDER ITS JURISDICTION IN THE PACIFIC OCEAN, ITS ARMED FORCES, PUBLIC VESSELS OR AIRCRAFT IN THE PACIFIC."

4. THE REFERENCE TO CONSTITUTIONAL PROCESSES REFERS TO PRIOR CONSENT OF CONGRESS, WHICH IN BOTH INSTANCES, HAS THE SOLE POWER TO DECLARE WAR. OBVIOUSLY, THE GUARANTEE IS TO ALL INTENTS AND PURPOSES NOT UNCONDITIONAL OR AUTOMATIC ASSISTANCE, WHICH THE PHILIPPINES GOVERNMENT UNDERSTANDS.

5. WHEN THE MUTUAL DEFENSE PACT WAS FORMALLY CONCLUDED IN 1951, THE U.S. WAS EXPECTED TO RETAIN SUBSTANTIAL NAVAL AND AIR BASES IN THE PHILIPPINES. IT APPEARED OBVIOUS THEN THAT THE PHILIPPINES COULD NOT AND WOULD NOT BE ATTACKED WITHOUT INVOLVING THESE BASES. BUT THE RECENT DEVELOPMENT OF EVENTS IN THE PHILIPPINES APPEARS TO INDICATE OTHERWISE: THE PHILIPPINES HAS BEEN A VICTIM OF EXTERNAL AGGRESSION FOR THE LAST FEW YEARS IN HER SOUTHERN TERRITORY WITHOUT INVOLVING THE U.S. BASES. THUS, THE ORIGINAL ASSUMPTION AMONG WHICH PHILIPPINE "PROTECTION" WAS PROMISED SEEMS TO REQUIRE SOME DEGREE OF REEXAMINATION. NEVERTHELESS, IT CAN ALSO BE STATED THAT CERTAIN PROVISIONS OF THE MUTUAL DEFENSE TREATY APPEARS TO HAVE ANTICIPATED SUCH DEVELOPMENTS.

ARTICLE III PROVIDES THAT:

THE PARTIES, THROUGH THEIR FOREIGN MINISTERS OR THEIR
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DEPUTIES, WILL CONSULT FROM TIME TO TIME REGARDING THE IMPLEMENTATION OF THIS TREATY AND WHENEVER BEGIN UNDERSCORE IN THE OPINION END UNDERSCORE OF BEGIN UNDERSCORE EITHER OF THEM END UNDERSCORE THE BEGIN UNDERSCORE TERRITORIAL INTEGRITY, END UNDERSCORE POLITICAL INDEPENDENCE OR BEGIN UNDERSCORE SECURITY END UNDERSCORE OF BEGIN UNDERSCORE EITHER END UNDERSCORE OF THE PARTIES IS THREATENED BY EXTERNAL ARMED ATTACK IN THE PACIFIC.

(UNDERSCORING SUPPLIED)

IT MAY BE NOTED THAT NO ACTUAL ATTACK IS REQUIRED OR ENVISIONED IN THE ABOVE PROVISION. ONLY A PERCEPTION OR

ASSESSMENT BY EITHER PARTY IS NECESSARY FOR THIS
ARTICLE TO BE OPERATIVE.

6. INVOKING THE ARTICLE WILL ENABLE THE PHILIPPINES TO
INITIATE CONSULTATION BETWEEN THE MINISTERS REGARDING THE
IMPLEMENTATION OF THE TREATY ESPECIALLY AT THIS TIME WHEN
THE PHILIPPINES' TERRITORIAL INTEGRITY AND SECURITY ARE
"THREATENED BY EXTERNAL ARMED ATTACK." RECENT DEVELOPMENTS
IN THE REGION, ESPECIALLY IN SOUTHERN PHILLIPPINES GIVE THE
PHILIPPINE GOVERNMENT SUFFICIENT CAUSE TO BE ALARMED AT THE
GROWING THREAT TO OUR NATIONAL SOVEREIGNTY, TERRITORIAL IN-
TEGRITY AND SECURITY POSED BY THE MUSLIM REBEL GROUPS. THE
SECESSIONIST MOVEMENT IN THE SOUTH IS BEING OPENLY BACKED
BY TUN MUSTAPHA OF SABAH AND BY LIBYA. THE LATTER HAS BEEN
REPORTED TO HAVE OPENLY ADMITTED AT THE FIFTH ISLAMIC
CONFERENCE IN KUALA LUMPUR THAT IT HAS BEEN SUPPLYING ARMED
SUPPORT TO THE REBEL GROUPS IN THE SOUTH. RECENT EVENTS HAVE
REVEALED THAT TUN MUSTAPHA HAS INTENTIONS TO CREATE A NEW
INDEPENDENT MUSLIM STATE OUT OF SABAH, WITH MINDANAO,
BASILAN, SULU, TAWI-TAWI AND PALAWAN.

7. JUST A FEW DAYS AGO, SENATOR MIKE MANSFIELD IN HIS
MEETING WITH THE PRESIDENT HAS ALLAYED FEARS THAT THE U.S.
WOULD NOT LIVE UP TO HER COMMITMENTS TO HER ALLIES IN THIS
PART OF THE WORLD AND UNDERScoreD THE STRATEGIC IMPORTANCE
OF THE PHILIPPINES IN THE POWER EQUILIBRIUM IN THE REGION,
AS WELL AS HER VALUE AS AN ALLY. HE SAID: "THE SENTIMENT
IN THE U.S. CONGRESS IS THAT THE PHILIPPINES MUST BE
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PRESERVED AS AN ALLY AND DEFENDED IN CASE OF EXTERNAL
ATTACK." TO THE PHILIPPINE GOVERNMENT, SENATOR MANSFIELD'S
STATEMENT IS A LOGICAL CONTINUATION OF THE U.S. POSTURE
ENUNCIATED DURING THE TIME OF PRESIDENT NIXON.

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AMEMBASSY MANILA PRIORITY

CINCPAC

JCS WASHDC PRIORITY
AMEMBASSY TOKYO PRIORITY

C O N F I D E N T I A L SECTION 2 OF 2 SEOUL 6704

LIMDIS

8. TO RECALL, ON FEBRUARY 18, 1970, PRESIDENT NIXON SUBMITTED TO THE U.S. CONGRESS A COMPREHENSIVE REPORT ON FOREIGN AFFAIRS. THAT REPORT - UNITED STATES FOREIGN POLICY FOR THE 1970'S - EMBODIED THE CENTRAL THESIS OF THE NIXON DOCTRINE ANNOUNCED NIN 1969 IN GUAM. THE THRUST IS "THAT THE UNITED STATES WILL PARTICIPATE IN THE DEFENSE AND DEVELOPMENT OF ALLIES AND FRIENDS.....".

ON ASIA AND THE PACIFIC, NIXON SAID:

"WHAT WE SEEK FOR ASIA IS A COMMUNITY OF FREE NATIONS ABLE TO GO THEIR OWN WAY AND SEEK THEIR OWN DESTINY WITH WHATEVER COOPERATION WE CAN PROVIDE - A COMMUNITY OF INDEPENDENT ASIAN COUNTRIES, EACH MAINTAINING ITS OWN TRADITIONS AND YET EACH DEVELOPING THROUGH MUTUAL COOPERATION. IN SUCH AN ARRANGEMENT, WE STAND READY TO PLAY A RESPONSIBLE ROLE IN ACCORDANCE WITH OUR COMMITMENTS AND BASIC INTERESTS."

CONTINUING, HE SAID:

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"IN CASES INVOLVING OTHER TYPES OF AGGRESSION WE SHALL FURNISH MILITARY AND ECONOMIC ASSISTANCE WHEN REQUESTED AND AS APPROPRIATE. BUT WE SHALL LOOK TO THE NATION DIRECTLY THREATENED TO ASSUME THE PRIMARY RESPONSIBILITY OF PROVIDING THE MANPOWER FOR ITS DEFENSE. THIS APPROACH REQUIRES OUR COMMITMENT TO HELPING OUR PARTNERS DEVELOP THEIR OWN STRENGTH... I WISH TO COMMUNICATE MY GOVERNMENT'S CONVICTION THAT ASIAN HANDS MUST SHAPE THE ASIAN FUTURE... ITS PURPOSE IS TO ENCOURAGE SELF-RELIANCE, NOT DEPENDENCE."

9. THE PHILIPPINE GOVERNMENT HAS RESTRAINED ITSELF FROM RECALLING TO THE U.S. GOVERNMENT EVEN SUCH CONSULTATIVE PROVISIONS OF ARTICLE III OF THE MUTUAL DEFENSE PACT QUOTED EARLIER IN DEEP RESPECT TO THE SPIRIT OF THE NIXON DOCTRINE. BUT THE DEVELOPMENT OF RECENT EVENTS IN SOUTHERN PHILIPPINES HAVE NOW CONCLUSIVELY DEMONSTRATED THE NEED TO BRING TO THE ATTENTION OF THE U.S. GOVERNMENT THE APPLICABILITY OF THE RELEVANT PROVISIONS OF THE MUTUAL DEFENSE PACT AND THE TWO OTHER MILITARY AGREEMENTS BETWEEN THE PHILIPPINE GOVERNMENT AND THE U.S. GOVERNMENT IN ACCORDANCE WITH THE PREVAILING SENTIMENTS OF THE AMERICAN PEOPLE.

10. IT IS THE VIEW OF THE PHILIPPINE GOVERNMENT THAT
UNDER THE PRESENT CIRCUMSTANCE, THE U.S. GOVERNMENT IS MORALLY
AND LEGALLY JUSTIFIED TO TRANFFER TO THE PHILIPPINE GOVERNMENT
SUCH MILITARY EQUIPMENT AND MATERIAL NECESSARY TO
CONFRONT THE EXTERNAL AGGRESSION COMMITTED BY TUN MUSTAPHA
OF SABAH AND LIBYA IN SOUTHERN PHILIPPINES. END TEXT.
SNEIDER

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